

\$~31

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment Dated: 5th August, 2016***

+ W.P.(C) 6828/2016

R.K. SINGH & ORS.

..... Petitioners

Through : Mr. M.K. Bhardwaj with
Mr. Shriambhra Kashyap, Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through : Mr. Ruchir Mishra, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S. MEHTA

G.S.SISTANI, J (ORAL)

1. At the admission stage, with the consent of the parties the writ petition is set down for final disposal.
2. Challenge in this writ petition is to the order dated 09.05.2016 passed by the Central Administrative Tribunal(hereinafter referred to for short as 'the Tribunal') by which while disposing of the OA, it was directed by the Tribunal that if the petitioner was entitled to the actual financial benefits, it would be confined to three years preceding the filing of the OA.
3. The grievance of the petitioners before the Tribunal was that they were entitled to grant of Pay Scale of Rs.5500-9000/- of Hindi Translators notionally w.e.f. 01.01.1996 and actually w.e.f. 11.02.2003 and revised Pay Scale of Rs.7500-12000/- of Assistant Director(Official Language/Hindi Officer).

4. It was urged before the Tribunal that by placing reliance on a judgment dated 14.08.2014 passed in OA. No.2777/2014, that similar issue was considered by the Tribunal and the judgment in the aforesaid OA stands implemented. The Tribunal was persuaded to hold that the present matter was covered by the aforesaid decision of the Tribunal. The OA was disposed of with the following directions:

“3. In view of the above circumstances, this O.A. is being disposed of with the directions that the respondents would examine the claim of the applicants in the light of the aforesaid judgment dated 14.08.2014 passed in O.A. No.2777/2014 and if there is no distinguishable feature, the benefit of the aforesaid judgment shall be granted to the applicants. It is, however, observed that even though the respondents may fix the pay of the applicants notionally, the actual financial benefits, if found entitled to, would be confined to three years preceding the filing of the present O.A. No costs.”

5. While learned counsel for the petitioners submits that the Tribunal at his request disposed of the OA with a direction to the respondents to examine the claim, but has imposed a restriction which was not imposed by the Tribunal either while deciding OA.No.2777/2014 nor such a condition was imposed while deciding subsequent OAs on the same ground. He submits that to that extent where the Tribunal has directed that in case the petitioners are entitled to the relief, the same would be confined to three years preceding the filing of the present OA would seriously prejudice the rights and claims of the petitioners. Moreover, neither this argument was addressed nor decided by a reasoned order. Mr. Bhardwaj thus, prays that in case the order is not modified, it would attain finality and would come in the way of the petitioners and their claims would be restricted only for three years from the date of the filing

of the OA.

6. Notice to show cause as to why this petition be not admitted. Mr. Ruchir Mishra, enters appearance on behalf of the respondents on an advance copy and accepts notice.
7. We have heard learned counsel for the parties. We find force in the submission of the learned counsel for the petitioners at the Bar that in the earlier OA, this restriction of three years was not imposed. We also find that in the order, there are no reasons as to why such a condition has been imposed in the present case. Thus, it we deem it appropriate to modify this order to the extent that in case the entitlement of the petitioners is upheld, it would be open for the respondents to pass such orders with regard to the entitlement in accordance with law. The legal grounds of both the parties are kept open.
8. With these directions, the writ petition stands disposed of.

G.S.SISTANI, J

I.S. MEHTA, J

AUGUST 05, 2016

pst